IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 56 OF 2006

M/S MERCANTILE FINANCE HOUSE PVT.LTD., PANAJI GOA. ....Appellant

Versus

M/S MAC ENTERPRISES AND ANR., ...Respondents

Mr. Ajit R. Kantak, Advocate for the Appellant.
Mr. V. A. Lawande, Advocate for the Respondents.

Coram:- N. A. BRITTO, J.

Date:- 30th August, 2006

P.C.

Heard learned Counsel on behalf of both the parties.

On behalf of the appellant, reliance has been placed on the case of Mohd. Azeem v. A. Venkatesh & Anr. ((2002) 7 S.C.C. 726). The complaint of the appellant came to be dismissed on 22.08.2005 and consequently the accused acquitted under Section 138 of the Negotiable Instruments Act, 1881. Without going into the merits of the said Order dated 22.08.2005, the said Order dated 22.08.2005, is hereby set aside and the complaint restored to file on condition that the complainant shall pay to the accused a sum of Rs.1,000/- by way of costs before the learned J.M.F.C., Panaji, before proceeding further with the said complaint in accordance with law.

Appeal is disposed of on the above terms.

N. A. BRITTO, J.

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